

## UNITED STATES DISTRICT COURT

for the

EASTERN Division

CLERK USDC EDWI  
FILED

2021 OCT -6 A 10:50

Case No.

**21-C-1153**

(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

MICHAEL KALKHOFF

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

PANERA BREAD LLC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT FOR EMPLOYMENT DISCRIMINATION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

MICHAEL KALKHOFF

Street Address

P.O. Box 13553

City and County

WAUWATOSA, WI MILWAUKEE CNTY.

State and Zip Code

WISCONSIN 53213

Telephone Number

(262) 282-3452

E-mail Address

KALKHOFFMK@YAHOO.COM

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name PANERA BREAD CO.  
Job or Title (if known) BAKERY-CAFE'  
Street Address 3630 S. GEYER RD. #100  
City and County ST. LOUIS ST LOUIS COUNTY  
State and Zip Code MO 63127  
Telephone Number 855.372.6372 (314)984.1000(MAIN)  
E-mail Address (if known)

Defendant No. 2

Name JULIE GOODWATER  
Job or Title (if known) JV GENERAL MANAGER  
Street Address 2095 N CALHOUN ROAD  
City and County BROOKFIELD WAUKESHA  
State and Zip Code WISCONSIN  
Telephone Number 262.317.7097  
E-mail Address (if known)

Defendant No. 3

Name JUSTIN SOHL  
Job or Title (if known) REGIONAL MANAGER  
Street Address 3630 S. GEYER RD. #100  
City and County ST. LOUIS ST LOUIS COUNTY  
State and Zip Code MO 63127  
Telephone Number 773.899.4109  
E-mail Address (if known)

Defendant No. 4

Name MELANIE TRIMARCO  
Job or Title (if known) PHR, SHRM-CP SENIOR HR MANAGER  
Street Address 3630 S. GEYER RD. #100  
City and County ST LOUIS ST. LOUIS COUNTY  
State and Zip Code MO 63127  
Telephone Number 314.984.1000 (MAIN)  
E-mail Address (if known)

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name	PANERA BREAD CATERING "HUB"
Street Address	2095 N. CALHOUN ROAD
City and County	BROOKFIELD; WAUKESHA COUNTY
State and Zip Code	WI 53005
Telephone Number	262.641.9999

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to (check all that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*



Other federal law (specify the federal law):

HARRIS V. FORKLIFT SYSTEMS, INC, 510 U.S. 17, 21



Relevant state law (specify, if known):

WI STATE WFEA 111.31



Relevant city or county law (specify, if known):

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

☐

Failure to hire me.

☒

Termination of my employment.

☐

Failure to promote me.

☐

Failure to accommodate my disability.

☒

Unequal terms and conditions of my employment.

☐

Retaliation.

☒

Other acts *(specify)*: HOSTILE WORK ENVIRONMENT, AGE

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

ON OR ABOUT 10-5-2016 THRU MARCH 13, 2017.

C. I believe that defendant(s) *(check one)*:

☒

is/are still committing these acts against me.

☐

is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

☐

race

☐

color

☐

gender/sex

☐

religion

☐

national origin

☒

age *(year of birth)* 1963 *(only when asserting a claim of age discrimination.)*

☐

disability or perceived disability *(specify disability)*

E. The facts of my case are as follows. Attach additional pages if needed.

(ENCLOSED LETTER FROM CROSS LAW)

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

4-14-2017

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date) NOV 30, 2018.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

- 1) THE PLAINTIFF IS ASKING THIS HONORABLE COURT FULL-BACK-PAY IN THE AMOUNT OF 142,200 One Hundred Forty Two Thousand and two Hundred dollars plus health/dental, 401K, meal discount, vision, vacation, holiday pay, life insurance.
- 2) THE PLAINTIFF IS ASKING THIS HONORABLE COURT FRONT-PAY IN THE AMOUNT OF 436,800 Four-Hundred thirty-six thousand and eight-Hundred dollars and reimbursement of eight years of age.



- 3) THE PLAINTIFF ASKS THIS COURT FOR COMPENSATORY DAMAGES IN THE AMOUNT OF 142,200 One-Hundred forty-two thousand and two hundred dollars which is equal to back-pay.
- 4) THE PLAINTIFF ASKS THIS COURT FOR PUNITIVE DAMAGES AS DIRECTED BY THE JUDGE
- 5) THE PLAINTIFF ASKS THIS COURT FOR SPECIAL DAMAGES IN THE AMOUNT OF 720,798 Seven-Hundred Twenty Thousand and seven hundred ninety eight. [One-Million Eight-Hundred Thousand TTL: 1,800,000]

## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

10/03/2021

Signature of Plaintiff

Printed Name of Plaintiff

Michael Kalkhoff  
MICHAEL KALKHOFF

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address